

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ALBERT ANDERSON,

Petitioner,

v.

LLOYD RAPELJE,

Respondent.

CASE NO. 2:11-14825

HONORABLE PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

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**OPINION AND ORDER DENYING THE  
MOTION FOR A CERTIFICATE OF APPEALABILITY**

On July 9, 2012, this Court denied petitioner's habeas application that had been brought pursuant to 28 U.S.C. § 2254 and also denied petitioner a certificate of appealability and leave to appeal *in forma pauperis*. *Anderson v. Rapelje*, No. 2:11-CV-14825; 2012 WL 2720165 (E.D. Mich. July 9, 2012). The United States Court of Appeals for the Sixth Circuit subsequently denied petitioner's application for a certificate of appealability, his motion for leave to proceed *in forma pauperis*, and dismissed the appeal. *Anderson v. Rapelje*, No. 12-2293 (6<sup>th</sup> Cir. September 18, 2013).

Pending before the Court is petitioner's "Motion Addressing Why the Court Should Issue a Certificate of Appealability."

In light of the fact that the Sixth Circuit has denied petitioner a certificate of appealability and dismissed petitioner's appeal, the motion for a certificate of appealability will be denied as moot. *See Woodberry v. Bruce*, 203 F. App'x. 186, 189 (10<sup>th</sup> Cir. 2006). The Sixth Circuit's denial of petitioner's motion for a certificate of appealability and the dismissal of petitioner's

prior appeal divested this Court of any power to grant petitioner a certificate of appealability on the issues he previously appealed and lost on before the Sixth Circuit. *Id.*

IT IS ORDERED that Petitioner's "Motion Addressing Why the Court Should Issue a Certificate of Appealability" [Dkt. # 19] is **DENIED AS MOOT**.

SO ORDERED.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: December 23, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 23, 2013.

s/Deborah Tofil  
Case Manager